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REMARKS

Concurrently with the Applicant's Response to the Official Action of August 9, 2005, the Applicant also provides this Preliminary Amendment along with the Request for Continued Examination (RCE). As discussed with the Examiner on August 11, 2005, the Applicant has filed this RCE so that the Examiner may further consider the issue of the inadvertently added subject matter in the presently allowed claim 1.

In accordance with 37 CFR 1.175(b)(1) an unsigned supplemental oath/declaration is herewith submitted to correct any errors not covered by the previously submitted oath/declaration corrected by this preliminary amendment. A copy of the signed supplemental oath/declaration will be forwarded to the Patent Office once executed by the inventor.

The Applicant thanks the Examiner for indicating that claims 1, 2-5, 9-12, 16-18, 23, 24, 26-28, 32, 41 and 50 are allowed. In discussions with the Examiner it has come to the Applicant's attention that claim 1 inadvertently included an added step beyond the mere correction of the Patent Office's printing error of "form" to "from". The Applicant's intent throughout prosecution was not to amend claim 1 other than to correct the Patent Office's printing error. This is clearly shown by the inconsistency between the clean version of claim 1, and the marked-up version of claim 1 from the Applicant's response of 3/1/2002. In fact because such a discrepancy in claim 1 between the submitted papers was not in accordance with 37 CFR 1.173(b) and (g), it should not have been entered by the Patent Office in any case, but returned to the Applicant as an improper amendment.

More specifically, in the last paragraph of claim 1, the contemplated step of "loading the at least one maneuverable rack back onto the transfer vehicle. . ." was not intended to be submitted, nor entered to overcome any particular rejection by the Examiner, nor to further differentiate the claims from the cited Colato et al. '736 reference.

Throughout prosecution, the Applicant's arguments regarding patentability centered mainly around the fundamental difference that Colato et al. '736 always required the use and mobility of the cumbersome and complicated food regeneration cart between the central food

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preparation area and the point of food regeneration. As pointed out by the Applicant at page 14, last paragraph of the March 1, 2002 response relative to the applied Colato et al. '736 reference,

In contrast, under Applicant's method, the regeneration receptacle is not loaded at the central food preparation area and transported to a remote location from the central food preparation area for regeneration of the food. Rather, in accordance with Applicant's invention, only the rack loaded with trays of food is transported between the central food preparation area and the remote location, which eliminates the need for expensive regeneration carts to be transported outside the site where they are used.

This fundamental difference is recited in a similar manner in each independent claim and was reiterated throughout the Applicant's response and, in subsequent responses, eventually leading to the allowability of the current independent claims.

The Applicant also points out that none of the Examiner's rejections or arguments throughout prosecution relating to patentability of claim 1 or any of the independent or dependent claims, indicate the necessity or plausibility that such a feature, i.e., "loading the at least one maneuverable rack back onto the transfer vehicle" would make the subject matter of the claims allowable. By way of example, none of the other independent claims 2 or 32 contain such a feature or step. In other words, the inadvertently added step of "loading the at least one maneuverable rack back onto the transfer vehicle" in claim 1 is not believed to have any bearing on the patentability of the claimed subject matter. Accordingly, it is the Applicant's intention, noting the correction based on the printing error of "form" and "from", that claim 1 is allowable with the same scope as initially granted in the original patent.

In the event that the Examiner disagrees with the Applicant's remarks with respect to the currently amended claim 1 or that claim 1 is not allowable as written above in the same manner as originally allowed in the '818 patent, the Applicant requests that the Examiner telephone the undersigned Attorney of Record to discuss the issue.

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In accordance with 37 C.F.R. 1.173 (c), the presentation of the new claims 2-5, 9-12, 16-18, 23, 24, 26-28, 32, 41 and 50 are completely underlined and, as required, do not contain any indication of what is changed from the previous versions of the claims. The Applicant believes that for most all the substantive amendments appropriate remarks were made in the associated responses to show support for such amendments in the specification. In order to be fully responsive to this re-issue requirement, the Applicant again provides the following summary in chart form of each amended claim, as well as an explanation of the support in the patent specification for each change or amendment. If any further explanation or analysis is believed necessary the Applicant respectfully requests the Examiner to contact the undersigned Attorney of Record to discuss the same.

CLAIM AMENDMENT CHART COMPLYING WITH 37 C.F.R. 1.173 (c)

Claim No.	Response Date	Claim Amendment/Change	Specification Support
Claim 1	3/1/2002	(a) spelling correction, "form" to "from";	Printing error from original patent.
		(b) added step of "loading the at least one maneuverable rack back onto the transfer vehicle";	Specification, col. 3, lns 37-44 expressly discussing the vehicle return of the trays to the supply location.
	3/23/2005 and 8/18/2005	(c) removed step of "loading the at least one maneuverable rack back onto the transfer vehicle";	See "Remarks" paras. 3-6 of this response.
Claim 2	3/1/2002	(a) added term "transfer vehicle", ln. 7;	Specification, col. 3, lns.18-20 referring expressly to a "refrigerated transfer vehicle".
		(b)step of "transferring the rack from transfer vehicle to a receptacle at the second location"	Specification, col. 3, lns. 26-28 expressly disclosing loading trays into a regeneration trolley.
		(c) replacing term "regeneration" with "rethermalizing"	Examiner's requirement from Official Action of 2/01/02, page 4, section 8, 2 nd paragraph.

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	11/4/2002	(d) added phrases "at a first location" and "at a second location" in Ins. 3 and 16 respectively.	Specification col. 3, Ins 9-23 discussing transfer of racks and trays from supply location 30 to consumer location 31.
		(e) added steps of "loading the rack, stacked with the plurality of trays, onto a refrigerated transfer vehicle for transportation to a second location...." and "transporting the rack, containing the plurality of trays bearing the apportioned food, in the transfer vehicle to the second location;"	Specification, col. 3, Ins.18-20 expressly stating "The racked arrays are then loaded into a refrigerated transfer vehicle whereby the food is transferred to location 31.
	3/10/2003	(f) added terms "refrigerated" In. 8, and "moveable", In. 16.	Specification col. 3, In 19, and Specification col. 3, Ins 28-30 and col. 2, Ins 41-42 disclosing mobility and moving the regeneration trolley.
	7/7/2003	(g) added term "manually maneuverable", In 7.	Specification col. 3 Ins. 16-28 and col. 3, In. 54 through col. 4, In 27, clearly indicate that the trays and racks are handled manually by service personnel. The interaction of the trays, racks and trolley, i.e. loading the racks with food trays, charging the trolley with racks, cleaning the trolley etc., by appropriate staff is efficient, cost effective and space saving.
	11/6/2003	(h) added "plurality" of trays, Ins, 5, 6, 10, 11, 13 and 18.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 3	11/6/2003	(a) added "plurality" of trays, In. 3.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 4	11/6/2003	(a) added "plurality" of trays, In. 2.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 5	11/6/2003	(a) added "plurality" of trays, Ins. 2 and 3.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."

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Claim 9	11/4/2002	(a) added phrase "as the receptacle"; ln. 2.	Specification, col. 2 lines 3-6 stating "...by way of heating and/or cooling means located in the containment."
		(b) replacing term "regeneration" with "rethermalizing", ln. 3.	Examiner's requirement from Official Action of 2/01/02.
	11/6/2003	(c) added "plurality" of trays, lns. 3 and 4.	Specification, col. 2 lines 46- 54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 10	11/4/2002	(a) added phrase "as the receptacle", ln. 3.	Specification, col. 2 lines 3-6 stating "...by way of heating and/or cooling means located in the containment."
		(b) replacing term "regeneration" with "rethermalizing" ln. 6, and antecedent basis corrections.	Examiner's requirement from Official Action of 2/01/02.
	7/7/2003	(c) added "/" editorial in nature	Editorial amendment
	11/6/2003	(d) added "plurality" of trays, ln. 7.	Specification, col. 2 lines 46- 54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 11	11/6/2003	(a) replace "a" with "the" plurality of trays, ln. 2.	Antecedent basis.
Claim 12	3/1/2002	(a) added article "the" rack ln. 2.	Editorial amendment
		(b) replacing term "regenerating" with "rethermalizing", ln. 3.	Examiner's requirement from Official Action of 2/01/02.
	11/6/2003	(c) added "plurality" of trays, lns. 2 and 4.	Specification, col. 2 lines 46- 54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 16	7/7/2003	(a) deleted phrase with "...mobile receptacle.." in favor of added term "moveable" receptacle, ln. 3.	Specification col. 3, lns 28-30 and col. 2, lns 41-42 disclosing mobility and moving the regeneration trolley.
Claim 17	3/1/2002	(b) removed conjunction "and", ln. 2.	Editorial amendment.
	7/7/2003	(c) changed term "mobile" to "moveable", ln. 4.	Specification col. 3, lns 28-30 and col. 2, lns 41-42 disclosing mobility and moving the regeneration trolley.

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Claim 18	7/7/2003	(a) changed term "mobile" to "moveable", ln. 3.	Specification col. 3, lns 28-30 and col. 2, lns 41-42 disclosing mobility and moving the regeneration trolley.
Claim 23	11/4/2002	(a) replacing term "regeneration" with "rethermalization"	Examiner's requirement from Official Action of 2/01/02.
		(b) term "loading" moved from ln. 4 to ln 5.	Editorial amendment
		(c) added the step of "transporting the rack, containing the at least one tray bearing the apportioned food, in the transfer vehicle to the remote location;"	Specification, col. 3, lns.18-20 expressly stating "The racked arrays are then loaded into a refrigerated transfer vehicle whereby the food is transferred to location 31.
		(d) replacing term "regenerate" with "rethermalize".	Examiner's requirement from Official Action of 2/01/02.
	3/10/03	(e) added terms "manually maneuverable", ln. 6," refrigerate" ln. 10 and "moveable", ln. 16	Specification col. 3 lns. 16-28 and col. 3, ln. 54 through col. 4, ln 27. Supra claim 2 ref. (g) Specification, col. 3, lns.18-20. Supra claim 2, ref. (e). Specification col. 3, lns. 28-30 and col. 2, lns. 41-42 disclosing mobility and moving the regeneration trolley.
		(f) added step of "providing the rack with a predetermined stacking arrangement of particular dimensions" lns.6-8.	Specification col. 2 lns. 51-54 discussing the racked array 15 for holding food trays.
	7/7/2003	(g) canceled redundant claim elements to make claim dependent upon claim 32.	Claim 32 was previously an independent claim.
Claim 24	11/6/2003	(a) punctuation amendment	Editorial amendment.
Claim 26	11/6/2003	(a) added "plurality" of trays, ln 3.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 27	11/6/2003	(a) added "plurality" of trays, ln 3, 2 occurrences.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."

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Claim 28	11/6/2003	(a) added "plurality" of trays, ln 3.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 32	11/4/2002	(a) replacing term "regenerate" with "rethermalize", lns 2, 16 and 19	Examiner's requirement from Official Action of 2/01/02.
		(b) Added phrase "at a first location", ln. 4.	Specification col. 3, lns 9-23 discussing transfer of racks and trays from supply location 30 to consumer location 31.
	3/10/2003	(c) added term "manually maneuverable", lns. 5, 6.	Specification col. 3 lns. 16-28 and col. 3, ln. 54 through col. 4, ln 27. Supra claim 2 ref. (g).
		(d) added term "refrigerate", ln. 7.	Specification, col. 3, lns.18-20 expressly stating "The racked arrays are then loaded into a refrigerated transfer vehicle whereby the food is transferred to location 31.
		(e) added term "moveable", ln.13.	Specification col. 3, lns 28-30 and col. 2, lns 41-42 disclosing mobility and moving the regeneration trolley.
	7/7/2003	(f) antecedent basis amendment	Editorial amendment.
	11/6/2003	(g) added "plurality" of trays, lns 3, 6, 7, 9, 12 and 19.	Specification, col. 2 lines 46-54 disclosing "Each pair of rails serves to accommodate a pair of trays."
Claim 41	11/4/2002	(a) replacing term "regenerate" with "rethermalize", ln. 15.	Examiner's requirement from Official Action of 2/01/02.
		(b) replacing term "regenerated" with "rethermalized", ln. 17.	Examiner's requirement from Official Action of 2/01/02.
	7/7/2003	(c) amended to be dependent on claim 32.	Redundant claim recitations of claim 41 were canceled from the claim.

In accordance with the Examiner's previous indication that the Reissue Declaration did not include the Foreign Priority in accordance with 37 CFR 1.63, a new Declaration including form PTO/SB/02B listing the foreign applications, was previously submitted with the Response

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of March 23, 2005 including the claim for foreign priority under 35 U.S.C. § 119(a)-(d) perfected in the original patent.

This previously submitted Reissue Declaration as well as the current Supplemental Reissue Declaration was executed by the inventor, Angelo Speranza, who is also the Managing Director of the Assignee Burlodge, Ltd. A copy of the previously submitted Statement Under 37 CFR 3.73(b) is again herewith submitted including a statement that Angelo Speranza, the Managing Director of the Assignee, Burlodge Ltd., is authorized to act on behalf of the Assignee. As noted above, Angelo Speranza is also the inventor in this matter.

As the original letters patent has already been surrendered with the response of January 13, 2004, it is respectfully submitted that this reissue application can now proceed to issue. If any further action is necessary in order for this case to proceed to issue, the Examiner is courteously solicited to contact the undersigned Representative of the Applicant to discuss the same.

The objections raised to the drawings were previously acknowledged by the Applicant and new annotated drawings of Figs 2 and 3 showing the changes made, and replacement sheets including Figs. 1, 2 and 3 of the drawings, overcoming all of the raised drawing objections, were submitted with the Applicant's response of March 23, 2005. If any further amendments to the drawings is believed necessary the Applicant respectfully requests the Examiner to contact the undersigned Attorney of Record to discuss the same.

In view of the foregoing, and the fact that this case is currently involved in litigation, it is respectfully submitted that the above noted amendment to claim 1, and the Applicant's responses and remarks to the raised objections to the formality of the present case be expeditiously considered. The above noted issues both formal or otherwise are believed to be overcome and that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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